

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                           |   |                                |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, | ) |                                |
|                           | ) |                                |
| Plaintiff,                | ) |                                |
|                           | ) |                                |
| vs.                       | ) | Case No. 4:06CR00203 JCH (AGF) |
|                           | ) |                                |
| TORIBIO GADEA-SANCHEZ,    | ) |                                |
|                           | ) |                                |
| Defendant.                | ) |                                |

**ORDER**

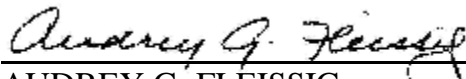
This matter is before the Court on Defendant's motion to continue the evidentiary hearing and for costs of investigation (Doc. #28), as supplemented, at the Court's direction, in an ex parte motion filed on June 9, 2006. (Doc. #31). In his ex parte motion, Defendant asserts that he has now located witness Santiago Sanchez, who is willing to testify, but unable to pay the costs of travel. Although Defendant, in his ex parte motion, continues to reference services under 18 U.S.C. § 3006(A)(e), which pertains to expert and investigative services, it appears that the relief that Defendant is now requesting is that the Court continue the evidentiary hearing and pay the costs for witness Santiago Sanchez to testify at the hearing. Such relief is available under Rule 17(b), Federal Rules of Criminal Procedure, and 28 U.S.C. § 1825(a).

Defendant having shown good cause for a continuance of the hearing, and having further demonstrated his inability to pay for the attendance of a witness who may have testimony pertinent to Defendant's motion to suppress,

**IT IS HEREBY ORDERED** that Defendant's ex parte motion (Doc. #31) is hereby **GRANTED**. The evidentiary hearing in this matter is continued to **Friday, June 30, 2006, at 2:00 p.m.** The Clerk of Court is directed to issue a subpoena for the testimony of Santiago Sanchez, 2011 Cori Place, Sachse, Texas, as a witness at the evidentiary hearing.

**IT IS FURTHER ORDERED**, pursuant to 28 U.S.C. § 1825(a), that the United States Marshal shall arrange for and pay the cost of airline transportation for defense witness Santiago Sanchez, to ensure his testimony before the Court on June 30, 2006.

**IT IS FURTHER ORDERED**, in light of the above ruling, that Defendant's motion to pay for the costs of investigative services (Doc. #28), is **DENIED** as moot.

  
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AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

Dated this 14th day of June, 2006.